

*pf*

**FROMMER LAWRENCE & HAUG LLP**

745 Fifth Avenue  
New York, New York 10151  
Telephone: (212) 588-0800  
Facsimile: (212) 588-0500  
E-mail: Firm@flhlaw.com

**FACSIMILE COVER LETTER**

RECEIVED  
CENTRAL FAX CENTER

SEP 29 2003

**To:** Commissioner for Patents  
**Facsimile:** 703-308-4242  
**From:** Thomas J. Kowalski  
**Date:** September 29, 2003  
**Re:** AMENDMENT AND RESPONSE TO OFFICE ACTION WITH  
REQUEST FOR EXTENSION OF TIME  
Our Ref.: 674523-2028

**OFFICIAL**

**Number of Pages:** 23  
(including cover page)

---

If you do not receive all pages or are unable to read the transmission, please call (212) 588-0800.

---

**CONFIDENTIALITY NOTICE**

The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile is strictly prohibited.

00149611

PATENT  
674523-2028**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Kingsman, *et al.*  
U.S. Serial No. : 09/254,529  
Filing Date : August 4, 1999  
For : RETROVIRAL VECTORS  
Examiner : Sumesh Kaushal  
Art Unit : 1636

RECEIVED  
CENTRAL FAX CENTER

SEP 29 2003

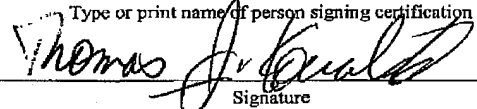
OFFICIAL

745 Fifth Avenue  
New York, NY 10151**FACSIMILE**

I hereby certify that this paper is being facsimile transmitted to the  
Patent and Trademark Office on the date shown below.

Thomas J. Kowalski, Reg. No. 32,147

Type or print name of person signing certification

  
Signature

September 29, 2003

Date of Signature

**AMENDMENT AND RESPONSE TO OFFICE ACTION  
WITH REQUEST FOR EXTENSION OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated May 28, 2003, setting a three-month term  
for reply.

**PETITION FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. §1.136(a), a one-month extension of the period for reply, *i.e.*, to up  
to and including September 29, 2003 (as September 28 was a Sunday) is requested. The  
Commissioner is authorized to charge the \$55.00 small entity fee under §1.17(a), and any  
additionally required fee for this extension of time or any other fee occasioned by this paper, or  
credit any overpayment in such fees, to Deposit Account No. 50-0320.

PATENT  
674523-2028

### **AMENDMENT**

Please amend the application without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents as follows.

#### **IN THE CLAIMS**

1-23. (Cancelled)

24. (Currently amended) A retroviral vector particle comprising a packageable retroviral RNA genome which, when in the form of a DNA provirus, comprises:

(i) a 5'LTR comprising an HIV U3 and R region, ~~or functional portions~~ thereof having Tat inducible promoter activity;

(ii) at least one nucleotide sequence (NS) capable of being expressed in a target cell; and

(iii) at least one retroviral polynucleotide response element (PRE) which is responsive to a nucleus to cytoplasm transport factor;

wherein the NS and the PRE are located within an intron in a transcription unit of the provirus, wherein the intron is flanked by a retroviral splice donor (SD) site and a retroviral splice acceptor (SA) site derived from different retroviruses, wherein said NS is capable of expression in Tat and Rev expressing cells, and NS expression is undetectable in cells not expressing Tat and Rev genes.

25. (Cancelled)

26. (Previously amended) The retroviral vector particle according to claim 24, wherein the polynucleotide response element is responsive to HIV Rev, or to a functional equivalent of HIV Rev.

27. (Previously amended) The retroviral vector particle according to claim 24, wherein the polynucleotide response element is the Rev response element (RRE) from HIV, or a functional equivalent of the Rev response element from HIV.

28. (Previously amended) The retroviral vector particle according to claim 24, wherein the NS encodes a desired polypeptide.

29. (Previously amended) The retroviral vector particle according to claim 24, wherein the packageable retroviral RNA genome comprises all or a portion of an oncoretroviral genome.